

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA,	:	
CALIFORNIA, COLORADO,	:	
CONNECTICUT, DELAWARE,	:	
DISTRICT OF COLUMBIA, FLORIDA,	:	
GEORGIA, HAWAII, ILLINOIS,	:	CIVIL ACTION
INDIANA, IOWA, LOUISIANA,	:	
MARYLAND, MASSACHUSETTS,	:	NO. 15-6264
MICHIGAN, MINNESOTA, MONTANA,	:	
NEVADA, NEW JERSEY, NEW	:	
MEXICO, NEW YORK, NORTH	:	
CAROLINA, OKLAHOMA, RHODE	:	
ISLAND, TENNESSEE, TEXAS,	:	
VIRGINIA, and WISCONSIN, <i>ex rel.</i>	:	
CATHLEEN FORNEY,	:	
	:	
Plaintiffs/Relator,	:	
	:	
v.	:	
	:	
MEDTRONIC, INC.,	:	
	:	
Defendant.	:	

**ORDER**

AND NOW, this 12<sup>th</sup> day of October, 2017, in accordance with the Honorable Edward G. Smith's August 14, 2017 Order (Doc. No. 51) referring all discovery issues in this case to this Court, and upon consideration of the letters of Susan L. Burke, Esquire, Susan Ellis Wild, Esquire, and Howard S. Stevens, Esquire on behalf of Relator (September 26, 2017 and October 10, 2017), and the letter of Kirsten V. Mayer, Esquire on behalf of Defendant Medtronic, Inc. ("Medtronic") (October 2, 2017), and this Court having conducted a telephone conference with counsel, **IT IS HEREBY ORDERED** that:

1. Relator's request that Medtronic produce "all calendars" from November 2009 to July 2017 is **GRANTED IN PART AND DENIED IN PART**.

Medtronic shall produce all calendars from the Cardiac Rhythm business unit from November 2009 to July 2017.<sup>1</sup>

2. Medtronic's request that Relator provide revised initial disclosures pursuant to Fed. R. Civ. P. 26(a)(1) is **DENIED**.
3. Relator shall respond to Medtronic's Interrogatory No. 2 requesting Relator to identify the persons whose testimony she expects to use at trial on or before October 20, 2017.<sup>2</sup>

BY THE COURT:

/s/ Marilyn Heffley  
MARILYN HEFFLEY  
UNITED STATES MAGISTRATE JUDGE

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<sup>1</sup> Medtronic objects to the nationwide scope of Relator's document request for calendar entries. The Second Amended Complaint, however, asserts claims based upon Medtronic's alleged practices nationwide. These claims have not been dismissed or otherwise limited geographically and, accordingly, the Court finds that this request, limited to the Cardiac Rhythm business unit, satisfies the requirements of Fed. R. Civ. P. 26(b)(1). The Court emphasizes, however, that this Order is limited solely to the production of Medtronic's calendars for the Cardiac Rhythm business unit during the relevant time period. To the extent a subsequent dispute arises regarding the geographic scope of any additional discovery request on the basis of proportionality or otherwise, the parties are directed to raise that dispute with this Court if they are unable to resolve it through the meet and confer process.

<sup>2</sup> The Court is aware that, pursuant to Fed. R. Civ. P. 33, Relator has until October 26, 2017 in which to respond to this Interrogatory and acknowledges that Relator has agreed to respond to Interrogatory No. 2 in advance of that deadline as a courtesy. The time in which Relator has to respond to any additional outstanding Interrogatories remains unaffected by this Order.